

Appendix C

Public Involvement and Participation

1. Early Coordination Office Memorandum and Procedure (Pages C.1-1 to C.1-6)

DATE: December 19, 2006

TO: Region Engineers
TSC Managers
Delivery Engineers
Development Engineers
Region Resource Staff

FROM: Judy Ruszkowski
Operations Environmental Stewardship Engineer
Storm Water Program Manager

SUBJECT: Storm Water Management Plan Activity C-4
Early Coordination Procedure for Post Construction BMPs

The Early Coordination Procedure described in the attached document will be implemented beginning with the scoping process on 2009 non-R&R projects, and 2012 R&R projects rated as categorical exclusions. The MS4 Public Involvement and Participation Sub-Team was charged with implementation of all early coordination related activities contained in the SWMP. MDOT's Environmental Committee has reviewed and approved this procedure. This document is being submitted to the MDEQ Storm Water Unit, as are all components of the department's SWMP.

Beginning January 1, 2007, at scoping, each region will identify the need for post-construction storm water Best Management Practices (BMPs) on individual projects and, using the specific trigger points outlined, determine if the project is subject to the Early Coordination Procedure. By identifying the need for post-construction storm water BMPs early in the process, these items can be included in the budget before projects are selected for inclusion in the Five Year Plan.

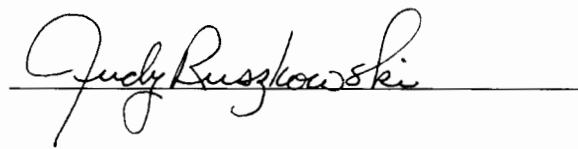
Each region should designate a person to coordinate the Early Coordination Procedure with the Aquatic Resource Specialist in the Environmental Section. The region permit coordinators are currently responsible for other early coordination activities (i.e. MDEQ-LWMD and MDNR) for issues pertaining to permits and, therefore, may be best positioned to assume this responsibility as well. The Aquatic Resource Specialist in the Environmental Section (currently Bethany Matousek at 517-241-2311) will provide assistance to the regions in determining when storm water BMPs are necessary for protection of water quality and site specification recommendations for appropriate BMP selection. Recommendations for appropriate BMP selection, as well as information regarding design criteria, appropriate sizing, manufacturer's specifications, and trouble shooting, will be provided by the Drainage Specialist in the Design Division's Hydraulics Unit (currently Coreen Strzalka at 517-373-3397).

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By implementing the Early Coordination Procedure during the 2007 scoping process for 2009/2012 projects, MDOT will have an opportunity to get input from the MDEQ Storm Water Unit on projects that will be constructed beginning in 2009 (safety, capital preventive maintenance, and passing relief projects) and 2012 (R&R projects). The goal is to have the Early Coordination Procedure completed prior to scope verification. The Aquatic Resource Specialist in the Environmental Section is MDOT's single point of contact with the MDEQ Storm Water Unit for coordination of the Early Coordination Procedure. With the assistance of the designated representative from each region, the Aquatic Resource Specialist is responsible for providing project specific information to MDEQ staff and coordinating a site visit, if necessary. The Aquatic Resource Specialist will document and track the results of the Early Coordination Procedure, and organize an annual review of the procedure with the Early Coordination Work Group, as outlined in the procedure itself.

The MS4 Team will evaluate this procedure annually as part of the overall SWMP review. Modifications to this procedure will be made as necessary to ensure MDOT construction and maintenance projects are planned and completed with consideration for the natural resources of the State, as well as project schedule and cost.

As always, I am available to discuss any of the requirements of MDOT's SWMP. Questions about the Early Coordination Procedure can be directed to either me (517-322-5698) or Bethany Matousek, Aquatic Resource Specialist in the Environmental Section (517-241-2311).

A handwritten signature in black ink, reading "Judy Ruszkowski", is written over a horizontal line.

Attachment

JAR:kar

cc: Environmental Committee
MS4 Team
D. Christian – Tetra Tech
A. Thomas – Tetra Tech

Michigan Department of Transportation
SWMP Activity C-4
Early Coordination for Post-Construction BMPs

1. Purpose and Scope

Post construction storm water management for new development and redevelopment projects is one of the five elements included in the MDOT Storm Water Management Plan (SWMP). This plan element is supported by several storm water program activities. Activity C-4 of the plan calls for the development and implementation of a process by which roadway design plans will be reviewed for application of post construction best management practices (BMPs). In addition to the MDOT review, MDEQ will be provided the opportunity to review preliminary construction plans and to provide input on placement of drainage and BMPs.

MDOT and MDEQ-Water Bureau have found that this storm water permit requirement can be met by using an early coordination process similar to that required under the National Environmental Policy Act of 1969 (NEPA) to address issues related to storm water management. MDEQ-Water Bureau input earlier in the process of project design will facilitate issue identification and resolution. As a result, project design changes that minimize negative impacts or enhance positive impacts to the state's natural resources can be made more efficiently by MDOT.

Transportation projects conducted by MDOT involving federal funds administered by the Federal Highway Administration (FHWA) must be in compliance with NEPA. Compliance guidance is provided by the United States Department of Transportation (US DOT) in 23 CFR 771 *Environmental Impact and Related Procedures*. An Environmental Impact Statement (EIS) must be developed for those actions that will have a significant impact on the quality of the human environment. There are many classes of actions that, based on past experience with similar actions, do not involve significant impacts that are categorically excluded from further consideration under NEPA (i.e. Categorical Exclusions (CE)). If an action is not covered by a CE and its potential for significant impact is unknown, an Environmental Assessment (EA) is required to determine if an EIS is needed or if there can be a Finding of No Significant Impact (FONSI).

The existing NEPA process for major action documents (EA and EIS) includes early coordination with other affected agencies. The NEPA process is designed to ensure that all potential impacts, possible alternatives, and affected parties are identified and that the best available science is used to determine the impacts of the proposed action and alternatives. MDOT currently distributes these major action documents to various state regulatory agencies. MDOT will add the MDEQ Stormwater Permits Section MS4 Coordinator to the document distribution list as the single point of contact through which MDOT will distribute all major action documents to the MDEQ-Water Bureau.

Approximately 95% of MDOT's projects are covered by categorical exclusions and are typically exempt from the same NEPA requirements as major action documents. Many actions that are categorically excluded from further NEPA compliance, however, still require MDOT to apply for permits from MDEQ-LWMD. As part of the permitting procedure, MDEQ-LWMD reviews permit applications for unacceptable or avoidable impacts to the state's natural resources. The permit application process for MDOT categorical exclusion projects, however, usually occurs after project plans are nearly complete. At this point in MDOT's process, resource issues identified by MDEQ-Water Bureau are often difficult and costly to incorporate into the project design. In addition to satisfying the conditions of MDOT's statewide NPDES storm water discharge permit, the early coordination procedure with MDEQ-Water Bureau outlined in this document will allow

MDOT to identify issues and minimize impacts to water quality prior to submitting a permit application to MDEQ-LWMD. It is expected that this process will expedite MDEQ-LWMD's permit review process.

2. Issues That Will Trigger Early Coordination with MDEQ-Water Bureau

Actions that are categorically excluded from further NEPA compliance will be subject to early coordination between MDOT and MDEQ-Water Bureau for projects that result in an earth disturbance of more than one acre; and meet one or more of the requirements (triggers) listed in section 2.1; and meet one or more of the requirements (triggers) listed in section 2.2.

2.1 Projects that include one or more of the following:

2.1.1 Projects that result in a new storm water outfall to surface waters of the state. Surface waters of the state include all of the following, but do not include drainage ways and ponds used solely for wastewater conveyance, treatment, or control:

- The Great Lakes and their connecting waters,
- All inland lakes,
- Rivers,
- Streams,
- Impoundments,
- Open drains,
- Other surface bodies of water within the confines of the state; or

2.1.2 An increased discharge volume or peak flow rate of 20% or more per storm event as compared to discharges prior to the project.

2.2 Projects that include one or more of the following:

2.2.1 Discharges to water bodies as designated in PA 451 of 1994 Part 4. Water Quality Standards, Rule 323.1100 (4) and (6-7). This rule references MDNR publications "Coldwater Lakes of Michigan" (Appendix A), "Designated Trout Streams for the State of Michigan" (Appendix B), and "Designated Trout Lakes and Regulations" respectively (Appendix C); or

2.2.2 Discharges that may convey pollutants to surface waters of the state that would exceed a Total Maximum Daily Load (TMDL) approved by the U.S. Environmental Protection Agency. Pollutants of concern shall be limited to metals, sediments, oil and grease, fish kills, fish or macroinvertebrate communities rated as poor, and those which would contribute to low dissolved oxygen (Appendix D); or

2.2.3 Discharges to Outstanding State Resource Waters as identified in PA 451 of 1994 Part 4. Water Quality Standards, Rule 323.1098 (6) (Appendix E).

3. Early Coordination Process for Categorical Exclusion Projects

Early coordination for post construction storm water best management practices on categorical exclusion projects will involve the following process.

3.1 Identify Trigger Issue- MDOT staff will attempt to identify the trigger issue during Scoping. MDOT staff involved in issue identification will include Project Managers, Permit Coordinators, and, if needed, the Aquatic Resource Specialist in the MDOT Environmental Section. MDOT staff will coordinate on relevant issues prior to the MDOT Aquatic Resource Specialist initiating contact with MDEQ-Water Bureau staff.

3.2 Provide Information to MDEQ- MDOT will provide the following information to the appropriate MDEQ-Water Bureau District Supervisor for review and will notify the MDEQ-Water Bureau Permits Section MS4 Coordinator.

- Location map
- Existing ROW
- Scope of work
- Any available preliminary design
- Digital photos
- Early Coordination Project Review Sheet

MDEQ-Water Bureau will have 30 days from the date of transmittal to provide review and comments. If no comments are received during this time period, MDOT will proceed with the project as planned.

3.3 Schedule a Site Visit - The need for a site visit will be at the discretion of MDOT and MDEQ-Water Bureau staff. Additional staff specialists may be involved in the site evaluation if necessary. MDEQ staff in the Transportation Review Unit will be contacted when appropriate to be given the opportunity to participate in site visits.

3.4 Document Results of Early Coordination - This will consist of a summary of the results of the Early Coordination process and details needed for process tracking and evaluation. The summary will be provided by the Aquatic Resource Specialist to the Storm Water Program Manager for incorporation into the storm water program annual report.

4. Tracking and Measurement

MDOT will develop a database and tracking mechanism to store, analyze, and summarize the necessary information. The following information will be collected by each respective agency and provided to the other agency to allow evaluation of the effectiveness of this early coordination process:

4.1 The number of early coordination projects submitted to MDEQ-Water Bureau for review,

4.2 The dates on which those projects were submitted,

4.3 The dates on which MDEQ-Water Bureau review was completed and provided to MDOT,

4.4 The number of projects on which issues required further action to resolve,

4.4 Issues that may need to be added or removed from the process,

4.5 Issues that were missed but became a permitting issue.

5. Annual Process Review.

MDOT and MDEQ-Water Bureau will establish a workgroup to oversee the early coordination process. Representatives will meet at least annually, and more often if the workgroup finds it necessary, to review the past years' measurements, the effectiveness of the early coordination process, and to make recommendations for any process improvements as they may determine appropriate.

5.1 The MDOT members of the workgroup will be as follows:

- Environmental Section Aquatic Resource Specialist
- Hydraulics Engineer
- Region Permit Coordinators
- Storm Water Program Manager

5.2 The MDEQ members of the workgroup will be as follows:

- MDEQ-Water Bureau - Permits Section MS4 Coordinator
- MDNR Fisheries Division- Designated representative
- MDEQ-LWMD - Supervisor of the Transportation Review Unit